

Prob 12C
(Rev. 10/20 - D/SC)

United States District Court

for

District of South Carolina

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Khiry Broughton

Case Number: 2:16CR00122-001

Name of Sentencing Judicial Officer: The Honorable David C. Norton, United States District Judge

Date of Original Sentence: November 29, 2017

Original Offense: Racketeering Conspiracy, in violation of 18 U.S.C. §§ 1962(d) and 1963(a)

Original Sentence: The defendant was committed to the custody of the Bureau of Prisons for 108 months followed by 36 months supervised release.

On April 4, 2023, pursuant to early release credits authorized under the First Step Act, the defendant was released from the Bureau of Prisons.

Type of Supervision: Supervised Release

Date Supervision Commenced: April 04, 2023

Department Of Justice Trial Attorney: Leshia Lee-Dixon **Defense Attorney:** John Lawrence Duffy, III

Previous Court Action/Notification(s): On April 21, 2023, the Court was notified of the defendant's laboratory confirmed positives for marijuana (April 12, 2023) and codeine/morphine (April 13, 2023). No action was requested. The defendant reported using illegal drugs while incarcerated in the Bureau of Prisons. He participated in substance abuse and mental health assessments at Dorchester Alcohol and Drug Commission on April 21, 2023. It was recommended the defendant participate in and complete a 12-week anger management program to learn positive ways to manage his anger which fuels his drug use. The defendant would also be randomly drug tested by the probation office and treatment provider.

On May 16, 2023, the Court was notified of the defendant's laboratory confirmed positive for marijuana on April 27, 2023. No action was requested as the defendant denied using any controlled substance since his release from the Bureau of Prisons less than 30 days prior. The probation office would postpone additional testing to allow residual traces of illegal drugs to be naturally eliminated from the defendant's system.

PETITIONING THE COURT

☒ To issue a warrant (petition and warrant to remain under seal)

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number**Nature of Noncompliance**

1. **New Criminal Conduct:** On June 23, 2023, the Walterboro Police Department issued an arrest warrant charging the defendant with Weapons/Unlawful Carrying of Pistol (warrant number 2023A1520300183). As of this date, this warrant remains active and is entered into the National Crime Information Center.

The affidavit notes, facts to prove the above are that LCpl Langdale conducted a traffic stop on a Nissan Altima bearing *WDY717* for a turn signal violation. The vehicle failed to stop for blue lights and proceeded to throw two firearms, one Black Glock bearing serial # BLXV763 and one Black/Brown Taurus .38 bearing serial #6K79444, out of the window of the vehicle per witness statement. The firearms were unlawfully stored in the vehicle when the defendants were attempting to discard them. The defendants fled from the vehicle after driving into a dead-end street. Inside the vehicle, and along the path of travel, officers also located approximately 8.70 grams of a green leafy substance which tested presumptive positive for marijuana. The defendant was positively identified from previous encounters with law enforcement. Sgt. Riley observed the defendant at 1400 Jefferies Hwy inside of the vehicle. Officers then observed the defendant get into the vehicle and drive off the property.
2. **New Criminal Conduct:** On June 23, 2023, the Walterboro Police Department issued an arrest warrant charging the defendant with Drugs/Possession of 28grams (1 ounce) or Less of Marijuana, 1st Offense (warrant number 2023A1520300182). Details of the offense are the same as stated in Violation Number 1. As of this date, this warrant remains active and is entered into the National Crime Information Center.
3. **New Criminal Conduct:** On June 23, 2023, the Walterboro Police Department issued an arrest warrant charging the defendant with Ordinance/Resisting or Obstructing Officer in the Discharge of Duty (warrant number 2023A1520300181). Details of the offense are the same as stated in Violation Number 1. As of this date, this warrant remains active and is entered into the National Crime Information Center.
4. **New Criminal Conduct:** On June 23, 2023, the Walterboro Police Department issued an arrest warrant charging the defendant with Weapons/Sale or Delivery of Pistol to, and Possession by, Certain Persons Unlawful; Stolen Pistol (warrant number 2023A1520300179). Details of the offense are the same as stated in Violation Number 1. As of this date, this warrant remains active and is entered into the National Crime Information Center.
5. **Failure to Refrain from Associating with Known Felons:** According to the incident report obtained from Walterboro Police Department, the defendant was in a vehicle with Christopher Brown and Bryant Davis. Mr. Brown is currently on supervision with the U.S. Probation Office and Mr. Davis was released from federal supervision on February 17, 2022. Both Brown and Davis are co-defendants in the defendant's instant offense.

6. **Failure to Refrain from Illegal Drug Use:** The defendant tested positive for illegal substances on two (2) occasions since being release to supervision. Below is a table outlining tests and confirmation dates, and the classification of the controlled substance(s):

| Test Date | Confirmation Date | Controlled Substance |
|----------------|-------------------|----------------------|
| April 7, 2023 | April 12, 2023 | Marijuana |
| April 7, 2023 | April 13, 2023 | Codeine, Morphine |
| April 21, 2023 | April 26, 2023 | Marijuana |

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 27, 2023

LaSheika S. VanDyke
LaSheika S. VanDyke
U.S. Probation Officer
Charleston Office

Reviewed and Approved By:

Gregory S. Russ
Gregory S. Russ
Asst. Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
The Petition and Warrant shall remain under seal until served by the United States Marshal Service.
- ☐ The issuance of a summons.

BOND CONSIDERATION:

- ☒ Bond to be set at the discretion of the United States Magistrate Judge.
- ☐ No bond to be set.
- ☐ Other (specify):



David C. Norton
U.S. District Judge

June 27, 2023

Date